



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,622	09/17/2003	Joshua T. Chard	32340-DIV	4008

7590

10/20/2005

Hovey Williams LLP
Suite 400
2405 Grand Boulevard
Kansas City, MO 64108

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,622	Applicant(s) CHARD ET AL.	
	Examiner Alvin C. Chin-Shue	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 17 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 17 and 22-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 23,25,26 and 28-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not provide a description of the now claimed activating assembly and movement of the handle.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "the actuating mechanism", as set forth in claim 26, lacks antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 22 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Prescott, Balogh or Gilmore. Prescott shows a handle 72, linkage 36,38 and a control assembly at 24. Balogh shows electrically non-conductive linkage 68.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,17,24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore or Prescott in view of either Luscombe or Bauer. Gilmore and Prescott all show the claimed mechanism with the exception of the non-conductive handle. Luscombe show a boom with a control handle with an electrically non-conductive covering 54. Bauer shows a handle made of plastic as an electrically non-conductive means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a covering, as taught by Luscombe, to the handle of either Gilmore or Prescott or to modify

their handles to comprise a plastic material, as taught by Bauer, to enable their handles to be electrically non-conductive.

Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balogh in view of either Luscombe or Bauer. Balogh shows the claimed mechanism with the exception of the non-conductive handle. Luscombe show a boom with a control handle with an electrically non-conductive covering 54. Bauer shows a handle made of plastic as an electrically non-conductive means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a covering, as taught by Luscombe, to the handle of Balogh, or to modify their handles to comprise a plastic material, as taught by Bauer, to enable their handles to be electrically non-conductive.

Claims 23 and 25-33, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over either the conventional Isolation mechanism, as disclosed by applicant (herein after being referred to as the conventional mechanism) or Holmes in view of Prescott and either Luscombe or Bauer. Both the conventional mechanism and Holmes shows the claimed isolation mechanism with the exception of the electrically non-conductive handle and the electrically non-conductive rod assembly, as set forth in claim 1. Luscombe show a boom with a control handle with an electrically non-conductive covering 54. Bauer

shows a handle made of plastic as an electrically non-conductive means. Prescott teaches a linkage 36,38, between his handle 72 and control assembly with control valves 28,30,32, made from an electrically non-conductive material for electrically isolating his handle from his control valves, and further teaches an electrically non-conductive boom extension. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a covering, as taught by Luscombe, to the handles of either the conventional mechanism or Holmes, or to modify their handles to comprise a plastic material, as taught by Bauer, for electrically isolating their handles, and to modify the rod linkages of either the conventional mechanism or Holmes to comprise an electrically non-conductive material, as taught by Prescott, for electrically isolating their handles from their control valves and boom.

Applicant's arguments filed 7.29.05 have been fully considered but they are not persuasive. Applicant's arguments with regards to the dielectric gap, the insulated boom ends of Prescott, Balogh and Gilmore, their insulated linkages and their insulated handles, as modified by the teachings of either Luscombe or Bauer, will provide a dielectric gap between their control handles and their booms. It is unclear how applicant does not appreciate that if one, two or all of these elements, their handles, linkages and handles are made from or covered by an electrically

non-conductive material that a dielectric gap exist between these elements, especially since that is how applicant's claimed invention produce a dielectric gap. It is also noted once again that the claimed invention is directed to an isolation mechanism and not to the combination of a boom and isolation mechanism as argued. With respect to Gilmore, Gilmore teaches a linkage with portion indicated at 24 that is electrically non-conductive. With respect to Balogh, applicant argues that Balogh does not teach a linkage. The examiner disagrees, as elements 24,50 is a link that converts motion from his handle to his valve assembly, thus constituting a linkage. With respect to the length of the handle and linkage, applicant's intention is not transferable to the claim language. Applicant's arguments with respect to S.N. 10/103433 which claims a different invention is not pertinent to this case.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Examiner
Art Unit 3634

ACS